

Guardianship Program Rules

407 Residential Decisions

407.1 The guardian shall ensure that the incapacitated person resides in the least restrictive environment that is appropriate and available.

407.2 The guardian shall acknowledge the need to allow all persons the opportunity to engage in activities and live in conditions which are culturally and socially acceptable within the context of the incapacitated person's cultural and life values.

407.3 The guardian shall take reasonable measures to effectuate the incapacitated person's residential preferences.

407.4 The guardian shall know the current state of the law regarding limits on the guardian's authority as to residential decisions.

407.5 The guardian shall not remove the incapacitated person from his or her home or separate the incapacitated person from family and friends unless such removal is necessary to prevent significant harm or because of financial constraints. The guardian shall make reasonable efforts to ensure the incapacitated person resides at the incapacitated person's home or in a community setting.

407.6 The guardian shall, to the extent possible, select residential placements which enhance the quality of life of the incapacitated person, provide the opportunity to maximize the independence of the incapacitated person, and provide for physical comfort and safety.

407.7 Before relocating the incapacitated person to a new residence, the guardian shall consult the incapacitated person, and should consult professionals, notice parties, and other third parties involved with the incapacitated person's care to the extent doing so does not put the incapacitated person, guardian, or guardian's staff at risk of personal harm. Emergency residential decisions to protect the incapacitated person may be made without prior consultation.

407.8 The guardian shall, as necessary, thoroughly research and evaluate the incapacitated person's residential alternatives.

407.9 Should the only available residential placement not be the most appropriate or least restrictive, the guardian shall regularly review alternatives to that placement and shall make reasonable efforts to arrange an appropriate and least restrictive residential alternative.

407.10 The guardian shall regularly monitor the incapacitated person's residential placement to ensure that it is appropriate and that such placement is the least restrictive alternative. The guardian should consent to changes, as they become necessary,

advantageous, or otherwise in the incapacitated person's best interests. The guardian should consider that even changes within an existing residential facility may have an impact on the quality of life of the incapacitated person.